

LOCAL GOVERNMENT ACT
(Cap. 40:01)

**NORTH-EAST DISTRICT COUNCIL (ADVERTISEMENT AND
HOARDINGS SIGNS) BYE-LAWS, 2022**
(Published on 23rd December, 2022)

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SCHEDULES

IN EXERCISE of the powers conferred by section 44 as read with section 45 of the Local Government Act, and after consultation with the community living within the Council area, and with the approval of the Minister of Local Government and Rural Development, the North East District Council hereby makes the following Bye-laws —

1. These Bye-laws may be cited as the North East District Council Citation
(Advertisement and Hoardings Signs) Bye-Laws, 2022.

2. In these Bye-laws, unless the context otherwise requires — Interpretation

“advertising structure” means a structure of any kind or character erected, used, maintained for outdoor advertising purpose upon which any poster, bill board, printing, painting or other advertisement of any kind may be other placed for advertising purpose;

“authorised officer” means a bye-law enforcement officer, a police officer or any person authorised in writing by the Council for the purpose of giving effect to, or enforcing these Bye-laws;

“awning sign” means a sign that is permitted at the centres of economic activities in the natural and rural areas of maximum control;

“commercial area” means an area designated for commercial or business activities;

“Council” means the North East District Council;

“hoarding” means any structure used as an advertisement or used for exhibiting any advertisement;

“outdoor advertisement” includes any notice board, billboard, placard, poster, or any similar publication placed outside the building or structure for public view and inspection;

“owner” means a registered owner of any lot or premise, including his or her agents, successors in title or assigns or his or her heirs or any person person who is entitled to receive rent in respect of such lot or premise;

“person” includes natural person, firm, cooperative, partnership, association, limited liability company and corporation;

“premises” means any building or part of the building, store, shop or other erection on or above the ground and the land occupied by the building, store, shop, or other erection;

“public place” includes any public way or square or any public or communal land;

“register” means any register which a Council is required to keep under these Bye-laws;

“street” includes any highway, and any public bridge, road, lane, footway, square, court, alley or passage, whether thoroughfare or not;

“sign” means any card, cloth, paper, metal painted or wooden sign of any character placed for outdoor advertising purpose, or on the ground or any tree in the bush, wall, rock, fence, building structure either privately or publicly owned, other than an advertising structure and for the purposes of these Bye-laws sign does not include any of the following —

- (a) the official notices issued by any Court of law, public body or officer;
- (b) notices posted by any public officer in performance of a public duty or by any person in giving any legal notice; and
- (c) the directional warning or information signs or structures required by or authorised by law.

“to place” includes maintaining, erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible any advertising displayed on or to the ground or to any tree in the bush, rock, fence, post, wall, building structure or thing;

“visible” means capable of being seen by any person of normal visual acuity; and

“zoned area” means any areas which is designated under the Development Plan for a particular land use provided by the Town and Country Planning Act.

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Application

3. The jurisdiction of these Bye-laws shall apply to all planning areas of the Council.

Exemption

4. (1) These Bye-laws shall not apply to —

- (a) an advertisement on any notice board, bill board, support or framework carried out by a person;
- (b) a hoarding sign which forms a temporary part of any building operation which shields any work in progress for the purpose of advertising the said premises for sale, or to protect the public from any hazard arising or which may arise from work in progress;

- (c) a cart or a vehicle which keeps on moving;
- (d) any hoarding erected on privately owned premises for the purpose of advertising the said premises for sale; and
- (e) a veranda, balcony and a canopy classified as awning signs and shall include a sign —
 - (i) affixed at a flat level or painted on a parapet wall, balustrade, or railing of a veranda or a balcony,
 - (ii) affixed onto or painted on the face of a veranda or beam over a veranda column or on the face of a roof structure without a wall including a roof covering petrol pumps at a filling station,
 - (iii) suspended below the roof of a veranda or a balcony,
 - (iv) affixed on top of a roof of a veranda, or
 - (v) affixed onto or painted on a pillar, column or post supporting a veranda, a balcony or a roof structure without wall, parapet wall, balustrade, railing or beam.

(2) The Council may direct the person erecting an advertisement or a hoarding to remove it or reposition it depending on any reasons given under these Bye-laws.

5. (1) A person shall not erect a hoarding sign or place an advertisement in any place within a council area without a permit issued by the Council Secretary.

Application to erect hoarding signs or place advertisement

(2) A person who wishes to erect a hoarding signs or place an advertisement within the council area shall make a written application to the Council Secretary in Form A set out in Schedule 1.

(3) The application shall be accompanied by the fees in Form E set out in Schedule 5.

(4) A person who contravenes this bye-law commits an offence and is liable

- (a) for a first offence, to a fine not exceeding P3,000 or to imprisonment for a term not exceeding one year, or to both; and
- (b) for a second and subsequent offence, to a fine not exceeding P5,000 or to imprisonment for a term not exceeding two years, or to both.

6. (1) The Council may, where the applicant meets all the requirements, issue a permit in Form C set out in Schedule 3 for the erection of a hoarding signs and advertisement.

Application requirements

(2) The application shall be accompanied by —

- (a) a certified copy of certificate of incorporation, for a company;
- (b) a letter of consent from —
 - (i) the neighbouring plot owners or the developers, and
 - (ii) the place of where the hoarding sign is to be erected within the national roads, railway reservoir or any other private property provided in Form B set out in Schedule 2;
- (c) a certified copy of the applicant's national identity documents issued in accordance with the provisions of the National Registration Act;
- (d) a location plan depicting adjacent activities and existing signs;
- (e) a site plan, drawings or photos of the signs; and
- (f) a proof of payment of non-refundable fee of P25 for perusal purposes in Form E set out in Schedule 5.

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	<p>(3) The Council may reject an application for the erection of a proposed hoarding if it considers that the proposed hoarding —</p> <p>(a) will distract, obstruct the traffic view, or will in any way interfere with the free movement of the traffic and the pedestrians;</p> <p>(b) is objectionable in substance, presentation or scale;</p> <p>(c) will spoil the appearance of any improved or developed area set aside for industrial development, parking or other recreational purpose; or</p> <p>(d) will be offensive to any occupier or residential premises adjacent to, facing to or abutting the site of the proposed hoarding erection.</p>
Use of Council property for hoarding and advertising purposes	<p>7. Subject to the provisions of bye-law 5, the Council may allow for the erection of a hoarding sign on any walls or other suitable fixtures being the property of the Council to any person to display any bill board, poster, placard or advertisement and may charge fees for usage of such erection of advertising a hoarding sign.</p>
Period of permit	<p>8. A permit issued under bye-law 6(1), shall subject to the provisions of these Bye-laws, be valid for a period of one year from the date of issuance and shall be renewed for a further term of one year.</p>
Renewal of permit	<p>9. (1) Subject to the provisions of bye-law 8, the Council shall upon payment of a fee in Form D set out in Schedule 4, on the application made in terms of bye-law 5, endorse the renewal of the permit and it may attach conditions to the renewal of the permit as may from time to time determine.</p> <p>(2) Any permit which is not renewed pursuant to an application made in accordance with bye-law 5, shall expire and may be renewed only by providing proof of payment of fees made in Form D set out in Schedule 4 or by applying for a new permit.</p> <p>(3) The Council may refuse to renew a permit if it is satisfied that —</p> <p>(a) the applicant has not complied with the conditions of the permit provided under these Bye-laws; or</p> <p>(b) it is in the public interest not to renew such a permit.</p>
Contents of hoarding or advertisement	<p>10. (1) The Council may withhold its consent to the erection of any hoarding or advertisement or may direct any person erecting or who has erected a hoarding or advertisement to remove or reposition such hoarding or advertisement if it considers that the proposed hoarding or advertisement would —</p> <p>(a) obstruct the view of road users in a manner inconsistent with the smooth flow of traffic, vehicles or otherwise is objectionable in substance;</p> <p>(b) spoil the appearance of any improved or developed area or any beauty spot, park or recreational area;</p> <p>(c) be defamatory, offensive to any occupier of the premise or viewer;</p> <p>(d) distracts driver's view of road signs;</p> <p>(e) imitates a traffic control device;</p> <p>(f) promotes drug or alcohol abuse;</p> <p>(g) glorifies violence; or</p> <p>(h) propagates racial discrimination.</p> <p>(2) A person shall not display or cause or permit to be displayed upon any advertising structure or sign, any statement or words of an obscene, indecent, or immoral character or any picture or illustration of any human figure in such a way as to offend public moral or decency, or any other matter or thing of obscene, indecent or immoral character.</p>
Removal of hoarding or advertisement	<p>11. (1) The Council may remove any hoarding or advertisement as the case may be, at the expense of the person who erected such hoarding or advertisement, if —</p>

- (a) the erection of such a hoarding is in contravention of any provisions of these Bye-laws;
 - (b) the person refuses to remove a hoarding within a reasonable time when ordered to do so by the Council; or
 - (c) the person fails to pay a fee charged in terms of these Bye-laws.
- (2) Any person who refuses the authorised officer to exercise the powers conferred by subbye-law (1), commits an offence and shall be liable to a fine not exceeding P2, 000 or imprisonment for a term not exceeding three months or to both.

(3) The expenses not paid on demand, shall be recoverable as a civil debt in a court of law.

12. (1) The owner of any hoarding or advertisement shall keep and maintain such hoarding or advertisement in a proper state of repair to the satisfaction of the Council, failing which, the Council may remove the hoarding at the expense of the owner.

Maintenance of hoarding signs

(2) The removal of such hoarding by the Council under subbye-law (1), shall not relieve the owner from any penalties imposed by these Bye-laws.

13. (1) A person shall not erect a hoarding in a manner that any portion of it is at a less distance from any street or a distance that may be provided by the Council.

Distance of erecting hoarding signs and advertisement

(2) A person who contravenes this bye-law commits an offence.

14. (1) The owner of every hoarding shall exhibit and keep his or her name and address in a conspicuous position in front of a hoarding and in such manner as to be clearly legible.

Furnishing name and address of owner

(2) In the case of a change of ownership of a hoarding, the owner of the hoarding shall notify the Council in writing of the change of ownership of the hoarding within 30 days.

15. (1) A person shall not exhibit or cause to be exhibited on any hoarding or any wall, fence, gate or other place, any advertisement that is not placed on, or affixed to the hoarding wall fence, gate or other place in a safe, secure, neat and orderly manner.

Advertisement to be secure

(2) Any person who wishes to exhibit or cause to be exhibited any advertisement on any wall, fence, gate or other place, shall make a written application to the council for a permit in Form B set out in Schedule 2.

(3) The advertising structure shall not be placed on the above mentioned places unless it is durable and built to withstand the windy period.

(4) A person who contravenes this bye-law commits an offence.

16. (1) A person shall not erect any hoarding or cause to be exhibited any advertisement near any road in such manner or place as to obstruct the view of the traffic.

Obstructing view of traffic

(2) A person who contravenes this bye-law commits an offence.

17. Any person aggrieved by the decision of the Council made under these Bye-Laws may appeal in writing to the Minister within a period of 14 days from the notification of the decision of the Council.

Appeals

18. A person who contravenes any provisions of these Bye-laws for which no penalty is provided, commits an offence and is liable —

Offences and Penalties

(a) for a first offence, to a fine not exceeding P2,000 or imprisonment for a term not exceeding three months or to both; and

(b) for a second or subsequent offence to a fine not exceeding P5,000 or to imprisonment for a term not exceeding six months.

SCHEDULES

SCHEDULE 1

FORM A

**APPLICATION FOR A PERMIT TO ERECT A HOARDING OR PLACING AN
ADVERTISEMENT**

(Bye-law 5(2))

Name of applicant.....

National Identity No /CIPA NO.....
(Attach a certified copy of National Identity Card/Company's certificate of incorporation)

Address:.....Tel:.....

Plot No:Location:.....

Particulars of the Site and proposed site

Road Name	
Distance from existing signs	
Road Width	
Type of Sign	
Size of sign (L x W)	
Area of board (m2)	
Height of sign	
Number of Sign sides	
Offset distance (from centre of road/building)	
Clearance Height (distance from ground to base of the board)	
Distance from road feature	
Location description	

Particulars of the Site (Provide a location sketch plan)

Amount paid in fees (if any):

I certify that I am of legal age and that information given in this application form is true and correct.

Date:

APPLICANT'S SIGNATURE

FOR OFFICIAL USE ONLY

Date on which application was received by the Authorising Officer:

Proposed date of consideration of application:.....

Date of approval/rejection of application:.....

Application Fee Receipt.....

.....
Authorising Officer

.....
Date

Official Stamp

SCHEDULE 2

FORM B

CONSENT FORM FOR A PERMIT TO USE A WALL, FENCE, GATE OR OTHER PLACE FOR THE EXHIBITION PLACING OF AN ADVERTISEMENTS

(Bye-laws 6 (2) (ii) and 15 (2))

Name of the owner of wall, fence, gate or other place:.....

Consent from the owner obtained yes/no.....

If yes proof should be submitted with this application

Description of place:

Location:

Period:

Size of the advertisement.....

I certify that I am of legal age and that information given in this application form is true and correct.

.....
Signature of applicant

.....
Date

FOR OFFICIAL USE ONLY

Date on which application was received by the Authorising Officer:

Proposed date of consideration of application:

Date of approval/rejection of application:

Fee paid..... Receipt.....

.....
Authorising Officer

.....
Date

Official Stamp

SCHEDULE 3

FORM C

PERMIT TO ERECT A HOARDING OR PLACING OF AN ADVERTISEMENT
(Bye-law 6 (1))

NOT TRANSFERABLE

Permit No.....issued under bye-law 6(1)

To.....
Having considered your application, the North East District Council is satisfied that you have fulfilled necessary requirements of the North East District Council (Advertising and Hoarding Signs) Bye-Laws, you are hereby granted a permit to erect hoarding or place advertisement on the following area(s).....

This permit is subject to the following conditions –

- 1. Comply with the provisions of North East District Council (Advertising and Hoarding Signs) Bye-Laws.
- 2. At you own costs shall remove the hoarding or advertisement on the date of its expiration.
- 3. After removal of the hoarding or advertisement you shall be responsible to restores the location concerned to its original position and free from litter.

Licence fee.....

This Permit is valid until.....20.....

..... Issued at.....

AUTHORISING OFFICER

Signature.....

Date

OFFICIAL STAMP

SCHEDULE 4

FORM D

RENEWAL FEE PAYMENT FORM

(Bye-law 9)

Renewal date.....

Permit number.....

Issued at.....

Name of Applicant:

Identity No.....

Telephone numbers.....

Location:

Plot No.....

Description of Hoarding:

Duration of Permit (period applied for):

FOR OFFICIAL USE ONLY

Authorising Officer:.....

Fee paid

Receipt.....

.....
Authorising Officer

.....
Date

Official Stamp

SCHEDULE 5

FORM E

HOARDING AND ADVERTISEMENT FEES

(Bye-law 5(3) and 6(2) (f))

Type of ADVERT.		
1. Electronic Bill	Perusal Fee(per site)	Levy (Annual/site)
	P200 per site	P200/m ² -- Local, secondary and Tertiary/ year P300/m ² -- Primary Road/year
2. Super/Custom bill boards	Perusal Fee(per site)	Levy (Annual/site)
	P200 per site	P150/m ² -- Local, secondary and Tertiary/year P200/m ² --Primary Road/year
3. Street Pole Advertising	Perusal Fee	Levy (Annual/site)
	P200 per first 10 poles and P20 for any additional pole	P25 per pole/ month
4. Temporary Adverts	Perusal Fee	Levy (Annual/site)
	None	None
5. Trailer/Mobile advertising	Perusal Fee	Levy (Annual/site)
	P200	P500 /year
6. Bins; Benches; & Bus Shelters	Perusal Fee	Levy (Annual/site)
	P30 per site	Bin Capacity 200L – P500/year Bin Capacity 150L >200L – P300/year Bin Capacity 0L > 150L – P150/ year

7. Direction/Information Signs	Perusal Fee	Levy (Annual/site)
	P30 per site	P500/ year

MADE this 2nd day of November, 2022.

COUNCIL SECRETARY,
North East District Council.

APPROVED this 16th day of November, 2022.

KGOTLA KENNETH AUTLWETSE,
*Minister of Local Government and Rural
Development.*